

**STATE OF WASHINGTON  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE OFFICE OF INSURANCE COMMISSIONER**

**IN THE MATTER OF:**

**Physicians Insurance A Mutual Company**

**Docket No. 2004-INS-0001**

**Matter No. D 04-114**

**PRE-HEARING ORDER**

Pursuant to proper notice to all parties, a telephonic pre-hearing conference was held on August 10, 2004, at 9:00 a.m., before Cindy L. Burdue, Administrative Law Judge; present were: the Office of the Insurance Commissioner, represented by William Kirby, Attorney at Law, with Carol Surro, Deputy Commissioner for Legal Affairs; and Physicians Insurance Company, represented by Gary Morse, Attorney at Law; with Tom Meyers, President, CEO; and John Karlin, Vice-President.

The following matters were discussed and agreed upon; where matters were not discussed, the undersigned has entered the following rulings on the issues:

***HEARING DATE/TIME/LOCATION***

1. The Insurance Commissioner's request for postponement of the hearing date, set for August 16, 2004, is *granted*, with the agreement of appellant, Physicians Insurance Company.
2. The hearing is re-scheduled to October 21 and 22, 2004; at 9:30 a.m. each day. The hearing will be held at the Office of Administrative Hearings, 921 Lakeridge Way, Suite C, (2<sup>nd</sup> floor), Olympia, WA 98507. Formal Notices of Hearing will follow in the mail to each party.

***PROCEDURAL MOTIONS***

This issue was not discussed during the conference; therefore, the following deadlines for procedural motions is set:

1. All procedural motions are to be filed by Monday, September 27, 2004, 5:00 p.m.
2. Any written response by the other party to such motion is due by Monday, October 4, 2004, 5:00 p.m.
3. Filing by facsimile is permitted, with hard copies submitted promptly by mail.
4. If oral argument is requested by either party on the procedural motion, a telephone conference will be scheduled by the Office of Administrative Hearings, with notice to both parties of the date and time.

### ***DISPOSITIVE MOTIONS - BRIEFING SCHEDULE***

This issue was not discussed during the conference; therefore, the undersigned sets as the following deadlines for dispositive motions and briefs, if any:

1. The deadline for the filing of dispositive motions and supporting documents shall be Monday, September 27, 2004, at 5:00 p.m.
2. The deadline for the filing of responses to any dispositive motions shall be Monday, October 4, 2004, 5:00 p.m.
3. The deadline for the filing of any reply (optional) to the response briefs of the other party shall be Monday, October 11, 2004, 5:00 p.m.
4. The deadline for any rebuttal (optional) to the reply brief of another party shall be Friday, October 15, 2004, at 5:00 p.m.
5. If either party needs more time than set forth in the above schedule, requests are to be made to the undersigned, in writing, with good cause shown.
6. Filing by facsimile is permitted, with hard copies submitted promptly by mail.
7. If oral argument is requested by either party, or required by the undersigned, a telephone conference will be scheduled by the Office of Administrative Hearings for this purpose; these motions may be argued at the hearing, prior to testimony, if insufficient time exists prior to the hearing date to schedule a telephone hearing on the motions.

### **WITNESS IDENTIFICATION**

1. The deadline for exchange of witness lists shall be October 4, 2004, at 5:00 p.m.
2. Currently, the Office of Insurance Commissioner anticipates four witnesses; the appellant, Physicians Insurance, anticipates one witness.
3. The parties' witness list shall include the following information for each witness: the person's name; job title; business address and telephone number; and a brief description of the anticipated testimony of that witness.
4. The witness lists may be exchanged by facsimile, with hard copies mailed promptly.

### **EXHIBITS**

1. All Exhibits anticipated to be offered at the hearing are to be exchanged, with copies to the undersigned, by October 4, 2004, at 5:00 p.m.
2. All exhibits are to be pre-marked and all pages numbered. Unless some other system is arranged by mutual agreement of the parties, the Office of the Insurance Commissioner shall mark its exhibits using numbers (e.g., 1, 2, 3 . . . ) and Physicians Insurance Company shall mark its exhibits using letters (e.g. A, B, C . . . ).
3. If the Exhibits number less than 20 pages total, they may be faxed to the undersigned and the other party, with hard copies to follow in the mail. If your exhibits number more than 20 pages total, please mail these documents *to arrive* by October 4, 2004, 5:00 p.m.

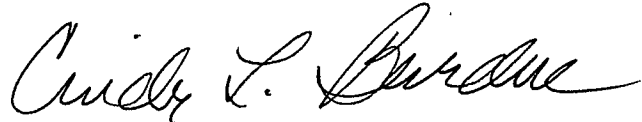
### **AGREED STATEMENT OF MATERIAL FACTS**

1. The parties are attempting to compile a statement of agreed facts. If that is completed prior to the hearing, it shall be submitted to the undersigned as soon as feasible.
2. If the parties have *not agreed* upon a statement of facts by Monday, October 18, 2004, the attorneys shall so notify the undersigned, so that the scheduling of the hearing room may be finalized for *both* days, October 21 and 22, 2004. This notice may be by fax, telephone, or mail, to arrive by October 18, 2004, at 5:00 p.m.

**ORDER**

IT IS HEREBY ORDERED that the above specified rulings will control in this matter unless modified by the undersigned Administrative Law Judge.

**DATED and Mailed** this 10<sup>th</sup> day of August, 2004, at Olympia, Washington.



Cindy L. Burdue  
Administrative Law Judge  
Office of Administrative Hearings  
921 Lakeridge Way, Ste. C  
Olympia, WA 98507  
1-800-843-7712; (360) 753-7328

**Copies Mailed To:**

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